

REMARKS

Claims 1-51 are pending in the present Application and all claims currently stand rejected. In this Response to Office Action, claims 1, 21, and 41-47 are amended herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

Claim Objections

On pages 11-12 of the Office Action, the Examiner objects to claims 1, 21, 41-43, and 44-47 over the language “labels being created for locating said respective subject matter locations.” In particular, the Examiner states that “[i]t is improper to include a limitation of the claims that relies upon the intended use as claimed, as doing so conflicts with the broadest reasonable interpretations of one of ordinary skill in the art.” However, the Examiner provides no authority for this assertion. Applicants therefore respectfully request the Examiner to cite specific legal authority for the foregoing statement, so that Applicants can respond in an appropriate manner.

Applicants submit that the foregoing claim language accurately characterizes at least one embodiment of their invention, and is clearly and adequately supported by the discussion of their FIG. 7. In contrast with the Examiner’s statement, Applicants therefore submit that they have the right to recite the cited limitations if so desired. However, in order to advance the prosecution process, Applicants herein amend claims 1, 21, 41-43, and 44-47 to

emphasize only “an operational or structural difference” between their invention and the cited references, as suggested by the Examiner.

In particular, Applicants recite “*said labels being text conversions of utterances in said narration, said labels being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data*” and “*a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data*” (emphasis added). In view of the foregoing remarks, Applicants believe that the Examiner’s objections are addressed, and respectfully request that the objections be withdrawn so that these claims may issue in a timely manner.

Rejection under 35 U.S.C. §112, First Paragraph

On pages 13 and 14 of the Office Action, the Examiner indicates that claim 49 is rejected for failing to comply with both the written description requirement and the enablement requirement. In particular, the Examiner refers to the language regarding “a label amplitude” and “a label duration.” Applicants respectfully traverse both grounds of rejection. Applicants direct the Examiner to their Specification, page 15, lines 23-29, which explicitly discloses “certain pre-determined criteria such as label amplitude or label duration.” In addition, Applicants also direct the Examiner to page 14, line 23, through page 15, line 18, of the Specification which describes how the labels are derived from input speech data that has such variable parameters.

In the Office Action, the Examiner states that these terms would be “unclear to one of ordinary skill in the art.” Applicants submit that the terms “amplitude” and “duration” are standard parameters for electronic signals. Applicants further submit that the “labels” in question are created and stored in an electronic format, and therefore may readily possess these attributes. Furthermore, the Specification clearly describes how the labels are derived from recorded speech data that similarly has both amplitude and duration. For at least the foregoing reasons, Applicants submit that one of ordinary skill in the art would not find the terms “unclear.” In view of the foregoing remarks, Applicants believe that the Examiner’s rejections are addressed, and respectfully requests that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn so that claim 49 may issue in a timely manner.

35 U.S.C. § 102(e)

On page 15 of the Office Action, the Examiner rejects claims 1-2, 4, 8, 10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47, and 50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0101156 to Newman. The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Newman fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner's rejection of independent claims 1, 21, and 41-47, Applicants respond to the Examiner's §102 rejections as if applied to similarly amended independent claims 1, 21, and 41-47. For example, amended independent claim 1 is now amended to recite "*said labels being text conversions of utterances in said narration, said labels being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data*" and "*a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data*" (emphasis added), which are limitations that are not taught or suggested either by the cited reference, or by the Examiner's citations thereto.

Newman teaches recording audio or video information to depict conditions during corresponding data measurements of oilfield operations (see paragraph 0012). However, Newman nowhere discloses creating text labels from a user narration specifically "*for utilizing said labels to locate said respective subject matter locations in said audio/video data,*" as claimed by Applicants. On the contrary, Newman's audio recording is merely a contemporaneous description of an oil-drilling operation.

The audio recording of Newman is nowhere used for performing any sort of label search operation. Applicants therefore submit that Newman fails to teach "*a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data*" (emphasis added), as claimed by Applicants. Furthermore, Applicants submit that Newman fails to teach utilizing a speech recognition engine to generate search labels for use in the label search mode. The

only mention of speech recognition in Newman is two short sentences at the end of paragraph 0017.

Paragraph 0017 of Newman briefly mentions that text files may be used for “reporting” or may be “displayed.” No mention is made of any type of automatic label search procedure. Applicants therefore submit that Newman fails to teach *“a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels that correspond to said respective subject matter locations in said audio/video data, said labels being text conversions of utterances in said narration, said labels being specifically aligned with corresponding ones of said respective subject matter locations within said audio/video data”* (emphasis added), as claimed by Applicants.

In the Office Action, the Examiner contends that “Newman inherently requires a searching procedure.” Applicants submit that Newman fails to teach many of the specific details of their claimed “label search mode.” For example, Newman fails to teach using a speech recognizer to create text labels from a concurrently captured narration to thereby associate the labels with specific locations in A/V data, and then *“utilizing said labels to locate said respective subject matter locations in said audio/video data”* (emphasis added). For at least the foregoing reasons, Applicants request reconsideration and withdrawal of the rejections of independent claims 1, 21, and 41-47.

Regarding the Examiner’s rejection of dependent claims 2, 4, 8, 10, 15-17, 22, 24, 28, 30, 35-37, and 50, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose

limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 2, 4, 8, 10, 15-17, 22, 24, 28, 30, 35-37, and 50, so that these claims may issue in a timely manner.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Newman to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of the rejected claims so that these claims may issue in a timely manner.

35 U.S.C. §103

On page 21 of the Office Action, the Examiner rejects claims 5-6, 9, and 51 under 35 U.S.C. §103 as being unpatentable over Newman alone. The Applicants respectfully traverse these rejections for at least the following reasons. Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that certain basic criteria must be met.

In particular, Applicants submit that the cited prior art reference (or references when combined) should teach all the claim limitations recited by Applicants. The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Applicants submit that this

burden has not been adequately met because the cited prior art fails to teach all of Applicants' claimed limitations.

Regarding the Examiner's rejection of dependent claims 5-6, 9, and 51, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 5-6, 9, and 51, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

In the rejections of claims 5-6, 9, and 51, the Examiner repeated states that Newman "further renders obvious" various claimed limitations without providing any specific references for support. In the current Office Action, the Examiner contends that he is not utilizing Official Notice without expressly stating so. Nevertheless, Applicants submit that elements of the rejected claims have not been adequately addressed with corresponding citations to a proper reference. Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 5-6, 9, and 51, so that the present Application may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claims 5-6, 9, and 51 are not unpatentable under 35 U.S.C. §103 over Newman alone, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 5-6, 9, and 51 under 35 U.S.C. § 103.

On page 25 of the Office Action, the Examiner rejects claims 3, 14, 18-20, 23, 34, and 38-40 under 35 U.S.C. § 103 as being unpatentable over Newman in view of U.S. Patent Publication No. 2003/0144843 to Belrose. The Applicants respectfully traverse these rejections for at least the following reasons.

Belrose teaches using a speech recognizer to send “queries” for retrieving sound files related to a picture image” (see page 3, paragraph 0047). Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined should teach all the claim limitations.” The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner’s rejection of dependent claims 3, 14, 18-20, 23, 34, and 38-40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 3, 14, 18-20, 23, 34, and 38-40, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 3, 14, 18-20, 23, 34, and 38-40 are not unpatentable under 35 U.S.C. §103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 3, 14, 18-20, 23, 34, and 38-40 under 35 U.S.C. § 103.

On page 28 of the Office Action, the Examiner rejects claims 7, 12-13, 27, and 32-33 under 35 U.S.C. §103 as being unpatentable over Newman in view of U.S. Patent Publication No. 2002/0067859 to Nicholson et al. (hereafter Nicholson). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined should teach all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 7, 12-13, 27, and 32-33, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 7, 12-13, 27, and 32-33, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

Furthermore, Nicholson is limited to teaching an obscure processing technique for "creating a hybrid data structure describing recognized and unrecognized objects." In particular, Nicholson teaches dividing a "bitmap" into identifiable and non-identifiable objects" (see column 1, paragraphs 0009-0010).

Applicants submit that Nicholson is not directed toward any field of endeavor that remotely resembles that of Applicants' invention. For example, Nicholson does not pertain to any sort of digital videography techniques. In addition, Nicholson fails to teach automatically generating Applicants' claimed "labels" by utilizing a "speech recognition engine." Furthermore, Nicholson nowhere teaches utilizing the converted labels for locating corresponding recorded video information. Applicants therefore submit that Nicholson is non-analogous art, and is therefore not relevant with respect to Applicants' claimed invention.

For at least the foregoing reasons, the Applicants submit that claims 7, 12-13, 27, and 32-33 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 7, 12-13, 27, and 32-33 under 35 U.S.C. § 103.

On page 30 of the Office Action, the Examiner rejects claims 11, 31, and 48 under 35 U.S.C. § 103 as being unpatentable over Newman in view of U.S. Patent Publication No. 2004/0008209 to Adams. The Applicants respectfully traverse these rejections for at least the following reasons.

Adams teaches a "multi-media photo album" that allows a user to manually select stored audio data corresponding to a given photograph (see page 4, paragraph 0096). Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C.

§ 103(a), the prior art references when combined should teach all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 11, 31, and 48, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 11, 31, and 48, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 11, 31, and 48 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 11, 31, and 48 under 35 U.S.C. § 103.

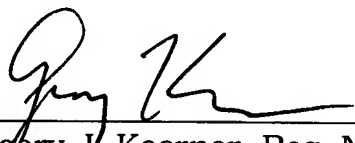
Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's objections and rejections. Because the cited references, and the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-51 so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 10/30/08

By: _____


Gregory J. Koerner, Reg. No. 38,519
Redwood Patent Law
1291 East Hillsdale Blvd., Suite 205
Foster City, CA 94404
Tel: (650) 358-4000